

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TWENTIETH CENTURY FOX FILM  
CORPORATION,

Plaintiff,

vs.

PATRICIA MCILVAINE, also known  
as P.J. MCILVAINE, an individual, and  
DOES 1-10,

Defendants.

Case No. CV10-5358

**DECLARATION OF  
ALEXANDER S. MORENO IN SUPPORT  
OF PLAINTIFF'S APPLICATION FOR  
EXPEDITED DISCOVERY**

**DECLARATION OF ALEXANDER S. MORENO**

I, Alexander S. Moreno, declare and state as follows:

1. I am a Director for the Security Incidents and Investigations Department at Fox Entertainment Group. I make this declaration in support of Plaintiff Twentieth Century Fox Film Corporation's ("Fox's" or "Plaintiff's") Application for Expedited Discovery. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently thereto.

2. Fox is the owner and copyright holder of certain screenplays ("scripts") for movies and television shows. Many of these scripts relate to movies and television shows that have been publicly released. Others relate to movies that are still in the production or pre-distribution stage and, thus, have not been released.

3. On October 15, 2010, I learned from Fox employees that a user had uploaded an unauthorized copy of the script for *Deadpool* on the file-sharing web site MediaFire ([www.mediafire.com](http://www.mediafire.com)). *Deadpool*, a movie still in production, is an

installment in the X-Men series, based on the popular comic books. The uploading of the *Deadpool* script allowed any member of the public to download the draft of a creative work that Fox had yet to release. A copyright application for the 112 page *Deadpool* script had been submitted by the Twentieth Century Fox Film Corporation to the United States Copyright Office on April 21, 2010, Registration Number PAu003491592.

4. Shortly after the script's posting, Fox employees successfully caused the *Deadpool* script to be removed from MediaFire and other third-party Internet web sites. Simultaneously, Fox employees began trying to ascertain the identity of the person who uploaded the unauthorized copy of *Deadpool*. Fox employees determined that someone operating under the MediaFire username "pjmac56" uploaded the script. This person had also uploaded to MediaFire other Fox-owned scripts for movies and television shows. See Appendix to Complaint. Fox employees subsequently identified "pjmac56" as Patricia "P.J." McIlvaine ("McIlvaine"), a resident of Suffolk County, New York. Fox employees investigating McIlvaine's actions discovered that she used the web site message board at Done Deal Professional (donedealpro.com) to communicate with other people who are interested in obtaining copyrighted scripts.

5. On November 19, 2010, Fox filed an action for copyright infringement and contributory copyright infringement against McIlvaine and 10 unknown defendants identified as John Does. The Doe Defendants, like McIlvaine, committed copyright infringement through the dissemination and display of Fox-owned scripts. They also committed contributory copyright infringement by aiding and/or inducing McIlvaine's distribution and display of Fox-owned scripts. These Doe Defendants, like McIlvaine, communicated with one another under fictitious "screen names" or "user names" on

Done Deal Professional. This was done in conspicuous manner, wherein a particular user would ask for a script by title in a post on the message board. A responding user would then offer a link that provided access to a file sharing web site where the requested script could be downloaded. Except for McIlvaine, Fox employees have not been able to identify all of the Defendants responsible for the copyright infringements that are the subjects of this action, nor have they been able to uncover the full scope or extent of those Defendants' unlawful activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Dec 17 2010, at Los Angeles, California.

A handwritten signature in black ink, appearing to read 'A. Moreno', is written over a horizontal line.

ALEXANDER S. MORENO